

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 2839 OF 2005

IN

WRIT PETITION NO.2408 OF 1994

Tata Memorial Hospital. ...Applicant
V/s.
Shashikant S.Sompurkar & Anr. ...Respondents

Shashkant S.Sompurkar, Respondent present in person.

CORAM : V.M. KANADE, J.

DATED : FEBRUARY 17, 2006

P.C. :-

. This is an application for clarification of the order dated 27th October, 2005. By this order, Civil Application filed by the applicant was allowed and he was permitted to withdraw the amount which was deposited in this Court by the Tata Memorial Hospital.

2. It is the contention of the applicant that he had furnished the Bank Guarantee during the pendency of the writ petition. After the writ petition was allowed, the present Civil Application was filed seeking permission to withdraw this amount which was deposited in this Court. He submits that the further direction may be given permitting the applicant to withdraw the

Bank Guarantee which he had furnished.

3. The applicant was directed to give notice to the respondent. Accordingly, the notice was given and Mrs.Doshi, learned Counsel appearing on behalf of the Tata Memorial Hospital took time to take instruction.. However, none appears on behalf of Tata Memorial Hospital. Since the Writ Petition is allowed in favour of the applicant, in my view, the Bank Guarantee which was furnished by him stands discharged and it may be returned to the applicant within a period of two weeks.

. The order is accordingly modified.

(V.M. KANADE, J.)